

REMARKS

As now clarified by the examiner, neither of Applicant's two prior responses to the Office Action of 18 December 2006 (and subsequent first notice of non-compliance) were entered by the Office, although both responses were recognized by the examiner as bona fide attempts to respond. Applicant and the undersigned attorney appreciate the examiner's clarification and the opportunity now to respond within the 1-month period set by the most recent notice of non-compliance.

To ensure a fully compliant response, this paper includes the claim amendments initially presented in Applicant's initial response submitted on 9 March 2007, and the further (corrective) claim amendments submitted on 3 July 2007. All revision markings are made with respect to the claims that were pending as of Applicant's non-compliant response of 9 March 2007.

Thus, Applicant herein amends independent claim 1 to include the limitations of claim 17, which depended directly from claim 1 and was indicated as allowable but for its dependence on a rejected base claim. The incorporation of claim 17 into claim 1—with claim 17 correspondingly canceled—and the resolution of all 112 issues places claim 1 and its remaining dependent claims (2-9, 11-16, and 18-23) in condition for immediate allowance.

Applicant also amends independent claim 34 to include the limitations of claim 36, which depended directly from claim 34 and was indicated as allowable but for its dependence on a rejected base claim. The incorporation of claim 36 into claim 34—with claim 36 correspondingly canceled—and the resolution of all 112 issues places claim 34 and its remaining dependent claims (35, 37-44) in condition for immediate allowance.

Applicant also amends independent claim 45 to include the limitations of claim 47, which depended directly from claim 45 and was indicated as allowable but for its dependence on a rejected base claim. The incorporation of claim 47 into claim 45—with claim 47 correspondingly canceled—and the resolution of all 112 issues places claim 45 and its remaining dependent claims (46, 48-55) in condition for immediate allowance.

As to the 35 U.S.C. § 112 rejections made by the examiner against claims 18, 37, 44, and 50-55, Applicant first notes that claim 1 is directed to an assembly for reinforcing an existing tower. It is not directed to and does not claim the existing tower. The existing tower is identified in the claim for clarity and to provide context. Claim 18 depends from claim 1 and therefore is directed to an assembly for reinforcing an existing tower. Neither claim 1 nor claim 18 are directed to the existing tower, but rather to the explicitly claimed assembly for reinforcing existing towers. Claim 18 is amended herein to clarify that the claimed reinforcing legs are configured to wrap around tower faces when the reinforcing leg is mounted on an existing tower.

Second, claim 37 depends from claim 34, which is directed to a system for reinforcing an existing tower. Claim 34 is not directed to the existing tower, but rather is solely directed to the claimed reinforcing system for existing towers. Claim 37 is likewise solely directed to the claimed system for reinforcing existing towers. Claim 37 is herein amended to add an antecedent “the,” as shown in the claim listing.

Third, claim 44 depends from claim 34, and is solely directed to the claimed reinforcing system for existing towers. Claim 44 is believed to be clear as written. For example, it states that the claimed “bearing plates are configured to mount to tower leg flanges at section joints of the existing tower.” That language does not claim the existing tower, but rather clarifies the claimed configuration of the bearing plates.

Fourth, claim 50 depends from claim 45, which is directed solely to a tower reinforcing system, and not to an existing tower. Language in claim 45 relating to an existing tower appears for clarity and to set the context. Claim 50 is clarified by amendment herein to state that the claimed corner member is “configured to at least partially wrap around the tower leg section to which it is mounted.” Applicant believes that claim 50 is clear in that it is limited to the tower reinforcing system, and does not claim an existing tower. The same is true for claims 51-55, depending from claim 50.

With the above clarifications and supporting amendments, Applicant believes that all 112 issues raised by the examiner are resolved, and that Applicant's response to the previous Office Action is now complete, and that the case stands in condition for immediate allowance. More particularly, upon entry of the above amendments claims 1-9, 11-16, 18-23, 34, 35, 37-46, and 48-55 are pending, with claims 24-33 previously withdrawn. All pending claims now stand in condition for allowance, and Applicant respectfully looks forward to an indication as such by the Office.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

A handwritten signature in black ink, appearing to read 'MDM', is written over a horizontal line.

Dated: 15 Nov. 2007

Michael D. Murphy
Registration No.: 44,958
Telephone: (919) 854-1844
Facsimile: (919) 854-2084